

AMENDED IN SENATE FEBRUARY 6, 2012

AMENDED IN ASSEMBLY MAY 4, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1200**

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**Introduced by Assembly Member Ma**  
*(Principal coauthors: Assembly Members Dickinson and Pan)*  
*(Coauthor: Assembly Member Ammiano)*  
*(Coauthor: Senator Leno)*

February 18, 2011

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An act to ~~add Section 13383.1 to the Water~~ amend Sections 7200, 7204, 7210, 7228, 7403, 7408, 7423, 7444, 7655, 7673, 7680, 7772.1, 8145, and 15401 of, to add Sections 7201.1 and 7201.2 to, and to repeal Sections 7681, 7782, and 7837 of, the Elections Code, relating to ~~water quality~~ elections, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as amended, Ma. ~~Water quality: discharges: sewer systems.~~  
*Elections: central committees.*

*Existing law requires that each member of a county central committee for the Democratic, Republican, and American Independent Parties take and subscribe to an oath or affirmation, as specified. Existing law provides that the oath or affirmation may be taken before any officer authorized to administer oaths.*

*This bill would, instead, provide that the oath or affirmation may be taken before the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.*

*Under existing law, for the Democratic, Republican, American Independent, and Peace and Freedom Parties, if the elections official, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a central committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on the party's ballot in the Assembly or supervisorial district, unless a petition indicating that a write-in campaign will be conducted for the office is filed with the elections official, as specified.*

*This bill would delete the above-described exception for when a petition indicates that a write-in campaign will be conducted for the office.*

*Existing law entitles a member elected to central committees for the Democratic, Republican, American Independent, and Peace and Freedom Parties to receive a certificate of election.*

*This bill would eliminate the above-described entitlement to receive a certificate of election and make other conforming changes.*

*Existing law provides how members are elected to county central committees. The method by which members are elected varies from county to county depending upon certain factors, such as the number of Assembly districts that exist within the county.*

*This bill would provide that, for the Democratic Party, in the County of Sacramento, the elected members of the county central committee shall be elected by supervisor districts with 6 members elected from each supervisor district, as specified.*

*This bill would provide that, for the Democratic Party, in the County of Alameda, the elected members of the county central committees in those counties shall be elected by Assembly districts and that each committee shall contain at least a certain number of members, as specified.*

*This bill would provide that, for the Democratic and Republican Party, in the City and County of San Francisco, the elected members of the county central committee shall be elected by Assembly districts, as specified.*

*Under existing law, for the Democratic Party, in each county containing less than 5 Assembly districts, the county central committee is required to reapportion itself at least every 10 years, prior to the June primary election of that year, as specified.*

*This bill would eliminate the above-described reapportionment requirement.*

*Existing law requires that each county central committee of the American Independent Party meet in the courthouse at its county seat, upon call, which shall be given by the elections official of the county and in quarters to be arranged or provided for by the elections official of the county, as specified.*

*This bill would, instead, require the committee to meet at its county seat, upon call, which shall be given by the chairperson of the county central committee or the immediate predecessor of the chairperson.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~(1) The Porter-Cologne Water Quality Control Act generally requires a person who causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, as soon as that person has knowledge of the discharge and other requirements are met, to immediately notify the California Emergency Management Agency of the discharge in accordance with specified spill reporting requirements. Under the act, the notification requirements do not apply to a discharge that is in compliance with waste discharge requirements or other specified provisions of law.~~

~~The act also requires the public or private entity having legal authority over the operation and maintenance of, or capital improvement to, a sewer collection system to submit a report to the appropriate regional board relating to a spill or overflow from a sanitary sewer system.~~

~~This bill would require a local public agency that operates a combined sewer and stormwater system to implement a notification plan to inform the public in the event of a discharge that occurs on or near a recreational beach. The bill would require the agency, upon the occurrence of a sewer discharge on or near a recreational beach, to post notice at the beach and conduct shoreline monitoring, in accordance with a schedule determined by the appropriate California regional water quality control board. The bill would require the agency to make reasonable efforts to enter into an agreement with a nongovernmental organization for regular sampling of receiving waters affected by discharges from the combined sewer and stormwater system. By imposing new requirements on local~~

public agencies that operate combined sewer and stormwater systems; this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~yes~~<sup>no</sup>. State-mandated local program: ~~yes~~<sup>no</sup>.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 7200 of the Elections Code is amended*  
2     *to read:*

3     7200. (a) In each county containing less than five Assembly  
4     districts, a county committee shall be elected by supervisor  
5     districts, and the number to be elected from any supervisor district  
6     shall be determined as follows: There shall be taken the number  
7     of votes cast in the supervisor district at the last gubernatorial  
8     election for that party's candidate for Governor, or, if the party  
9     had no candidate for Governor, for the candidate of the party voted  
10    on throughout the state who received the greatest number of votes  
11    and who was the candidate of that party alone. This number shall  
12    be divided by one-twentieth of the number of votes cast in that  
13    county for Governor or, where the party had no candidate for  
14    Governor, for the candidate mentioned above. The integer next  
15    larger than the quotient obtained by that division shall constitute  
16    the number of members of the committee to be elected by that  
17    party in that supervisor district.

18    The

19    (b) The committees in counties containing less than five  
20    Assembly districts shall be composed of not less than 21 members.  
21    If the procedure outlined above would result in less than 21  
22    members being elected for any committee, the number of votes  
23    cast for this party's candidate in each supervisor district shall be  
24    divided by an amount sufficiently smaller than one-twentieth of  
25    the votes cast for Governor in that county as to give a membership

1 in the committee equal to or the nearest amount ~~which~~ *that* is  
2 greater than 21 members.

3 ~~In a county of the eighth class as defined in Section 28029 of~~  
4 ~~the Government Code, the county central committee by resolution~~  
5 ~~may provide for the election of 25 central committee members to~~  
6 ~~represent 25 individual central committee districts. Each member~~  
7 ~~shall reside in the district he or she represents, but shall be elected~~  
8 ~~at large within the Assembly district in which the county central~~  
9 ~~committee district he or she represents is located.~~

10 ~~The county central committee shall reapportion itself at least~~  
11 ~~every 10 years, prior to the June primary election of that year. Each~~  
12 ~~district shall be apportioned on the basis of the number of registered~~  
13 ~~Democrats for the June primary in each even-numbered year, with~~  
14 ~~no more than a 10-percent deviation from the average. Each district~~  
15 ~~shall be compact, contiguous, and utilize any natural and~~  
16 ~~neighborhood boundaries. The district boundaries shall not cut~~  
17 ~~across any precinct district's lines as drawn by the elections official~~  
18 ~~for the last general or consolidated election.~~

19 *SEC. 2. Section 7201.1 is added to the Elections Code, to read:*

20 *7201.1. Notwithstanding any other provision of law, in the*  
21 *County of Sacramento, the elected members of the county central*  
22 *committee shall be elected by supervisor districts with six members*  
23 *elected from each supervisor district. Each member shall be a*  
24 *resident of the county and of the supervisor district that the member*  
25 *represents. Only a person who is a resident of the county may vote*  
26 *for a candidate for membership to the county central committee*  
27 *and may vote only for candidates seeking to represent the*  
28 *supervisor district in which the voter resides.*

29 *SEC. 3. Section 7201.2 is added to the Elections Code, to read:*

30 *7201.2. (a) Notwithstanding any other provision of law, in the*  
31 *County of Alameda, the elected members of the county central*  
32 *committee shall be elected by Assembly districts and the number*  
33 *to be elected from any Assembly district shall be determined as*  
34 *follows: There shall be taken the number of votes cast in that*  
35 *portion of the Assembly district lying within the County of Alameda*  
36 *at the last gubernatorial election for that party's candidate for*  
37 *Governor; or, if the party had no candidate for Governor, for the*  
38 *candidate of the party voted on throughout the state who received*  
39 *the greatest number of votes and who was the candidate of that*  
40 *party alone. This number shall be divided by one-thirtieth of the*

1 number of votes cast in the county for Governor or, where the  
2 party had no candidate for Governor, for the candidate mentioned  
3 above. The integer next larger than the quotient obtained by that  
4 division shall constitute the number of members of the committee  
5 to be elected by that party in that Assembly district.

6 (b) If the procedure described above would result in less than  
7 30 members being elected for any committee, the number of votes  
8 cast for this party's candidate in that portion of each Assembly  
9 district lying within the County of Alameda shall be divided by an  
10 amount sufficiently smaller than one-thirtieth of the votes cast for  
11 Governor in the county as to give a membership in the committee  
12 equal to or the nearest amount that is greater than 30 members.

13 Only a person who is a resident of the county may vote for a  
14 candidate for membership to the county central committee and  
15 may vote only for candidates seeking to represent the Assembly  
16 district in which the voter resides.

17 SEC. 4. Section 7204 of the Elections Code is amended to read:

18 7204. (a) ~~In each city the City and county a~~ County of San  
19 Francisco, the county central committee shall be elected ~~by~~ from  
20 the two Assembly districts located in the city and county and shall  
21 consist of ~~12~~ 24 members elected from Assembly District 12, and  
22 ~~12~~ members elected from Assembly District 13. Whichever of the  
23 two Assembly districts consists of the majority of the registered  
24 Democrats in the city and county shall elect 14 members and the  
25 Assembly district that consists of the minority of the registered  
26 Democrats in the city and county shall elect 10 members.

27 (b) Both of the following shall apply for purposes of this section:

28 (1) "Registered Democrat" means any voter in the city and  
29 county who has expressed a preference for the Democratic Party  
30 on his or her affidavit of registration pursuant to Sections 2150,  
31 2151, and 2152 as of the 154th day prior to the first direct primary  
32 election after any redistricting of Assembly district boundaries.

33 (2) The City and County of San Francisco Department of  
34 Elections, or any comparable successor agency, shall calculate  
35 the percentage of the total registered Democrats in each Assembly  
36 district in the city and county.

37 SEC. 5. Section 7210 of the Elections Code is amended to read:

38 7210. (a) Each member of a committee, whether elected to  
39 the committee or appointed to fill a vacancy, before he or she enters

upon the duties of his office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

The

(b) *The* oath or affirmation required by this section ~~may shall~~ be taken before ~~any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken~~ or ~~subscribed~~ the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.

SEC. 6. *Section 7228 of the Elections Code is amended to read:*

7228. If the elections official, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, ~~unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved.~~ In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, ~~and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.~~

SEC. 7. *Section 7403 of the Elections Code is amended to read:*

7403. (a) ~~In each city the City and county, a County of San Francisco, the county central committee shall be elected by from the two Assembly districts located in the city and county and shall consist of 13 25 members elected from Assembly District 12 and 12 members elected from Assembly District 13. Whichever of the two Assembly districts consists of the majority of the registered Republicans in the city and county shall elect 13 members plus one additional member for every 4 percent of the registered Republicans in the district above a majority of the registered Republicans in the city and county. The remainder of the members shall be elected from the Assembly district that consists of the minority of the registered Republicans in the city and county.~~

(b) *Both of the following shall apply for purposes of this section:*

1     (1) “Registered Republican” means any voter in the city and  
2     county who has expressed a preference for the Republican Party  
3     on his or her affidavit of registration pursuant to Sections 2150,  
4     2151, and 2152 as of the 154th day prior to the first direct primary  
5     election after any redistricting of Assembly district boundaries.

6     (2) The City and County of San Francisco Department of  
7     Elections, or any comparable successor agency, shall calculate  
8     the percentage of the total registered Republicans in each Assembly  
9     district in the city and county.

10    SEC. 8. Section 7408 of the Elections Code is amended to read:

11    7408. (a) Each member of a committee, whether elected to  
12    the committee or appointed to fill a vacancy, before he or she enters  
13    upon the duties of his or her office, shall take and subscribe the  
14    oath or affirmation set forth in Section 3 of Article XX of the  
15    Constitution.

16    The

17    (b) The oath or affirmation required by this section ~~may~~ shall  
18    be taken before ~~any officer authorized to administer oaths and no~~  
19    ~~fee shall be charged by any person before whom the oath is taken~~  
20    ~~or subscribed the chairperson of the county central committee, the~~  
21    ~~immediate predecessor of the chairperson, or a designee of the~~  
22    ~~chairperson or his or her immediate predecessor.~~

23    SEC. 9. Section 7423 of the Elections Code is amended to read:

24    7423. If the elections official, on the 73rd day prior to the direct  
25    primary election, finds that the number of candidates nominated  
26    for election to a committee from an Assembly or supervisorial  
27    district does not exceed the number of candidates to be elected  
28    from that Assembly or supervisorial district, the designation of the  
29    office and the names of the candidates shall not be printed on this  
30    party’s ballot in the Assembly or supervisorial district, ~~unless there~~  
31    ~~is filed with the elections official, not later than 20 days after the~~  
32    ~~final date for filing nomination papers for the positions, petition~~  
33    ~~indicating that a write-in campaign will be conducted for the office,~~  
34    ~~and signed by 25 registered voters affiliated with the political party~~  
35    ~~involved. In lieu thereof, the board of supervisors shall declare~~  
36    ~~elected the candidates who have been nominated, and those~~  
37    ~~candidates shall be entitled to receive certificates of election in the~~  
38    ~~same manner as other candidates elected to a committee.~~

39    SEC. 10. Section 7444 of the Elections Code is amended to  
40    read:



7444. If the chairperson of a committee refuses to call a meeting, a meeting may be called upon five days' notice by a majority of the members of the committee.

~~Within five days after a committee meets for its organizational meeting, the newly elected chairperson of the committee shall notify the elections official of his or her name. The elections official shall mail a certificate to that effect to the Secretary of State.~~

*SEC. 11. Section 7655 of the Elections Code is amended to read:*

7655. (a) Each member of a committee, whether elected to the committee or appointed to fill a vacancy, before he or she enters upon the duties of his or her office, shall take and subscribe the oath or affirmation set forth in Section 3 of Article XX of the Constitution.

~~The~~

~~(b) The oath or affirmation required by this section may shall be taken before any officer authorized to administer oaths and no fee shall be charged by any person before whom the oath is taken or subscribed the chairperson of the county central committee, the immediate predecessor of the chairperson, or a designee of the chairperson or his or her immediate predecessor.~~

*SEC. 12. Section 7673 of the Elections Code is amended to read:*

7673. If the elections official, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisor district does not exceed the number of candidates to be elected from that Assembly or supervisor district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisor district, ~~unless there is filed with the elections official, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved.~~ In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, ~~and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.~~

1     *SEC. 13. Section 7680 of the Elections Code is amended to*  
2     *read:*

3     7680. Each committee shall meet ~~in the courthouse~~ at its county  
4     seat, upon call, which shall be given by the ~~elections official of~~  
5     ~~the county and in quarters to be arranged or provided for by the~~  
6     ~~elections official of the county,~~ *chairperson of the county central*  
7     *committee or the immediate predecessor of the current chairperson*  
8     *of the county committee* on the second Tuesday in July following  
9     the direct primary election, except that in any year in which a  
10    national convention of the party includes that date, the existing  
11    executive committee of a committee shall set the date of the  
12    meeting, not to exceed 30 days after the date herein specified.

13    *SEC. 14. Section 7681 of the Elections Code is repealed.*

14    ~~7681. Notwithstanding the provisions of Section 7680, a~~  
15    ~~committee in a county having a population in excess of 4,000,000~~  
16    ~~shall meet at its county seat in a centrally located public auditorium~~  
17    ~~sufficient to accommodate its membership.~~

18    *SEC. 15. Section 7772.1 of the Elections Code is amended to*  
19    *read:*

20    7772.1. Notwithstanding any other provision of law, if the  
21    elections official, on the 73rd day prior to the direct primary  
22    election, finds that the number of candidates nominated for election  
23    to a central committee from any election jurisdiction does not  
24    exceed the number to be elected from that jurisdiction, the  
25    designation of the office and the names of the candidates shall not  
26    be printed on this party's ballot in that jurisdiction, ~~unless there is~~  
27    ~~filed with the elections official, not later than 20 days after the~~  
28    ~~final date for filing nomination papers for the positions, a petition~~  
29    ~~signed by 25 registered voters affiliated with the Peace and~~  
30    ~~Freedom Party indicating that a write-in campaign will be~~  
31    ~~conducted for the office.~~ In lieu thereof, the board of supervisors  
32    shall declare elected the candidates who have been nominated, ~~and~~  
33    ~~those candidates shall be entitled to receive certificates of election~~  
34    ~~in the same manner as other candidates elected to a central~~  
35    ~~committee.~~

36    *SEC. 16. Section 7782 of the Elections Code is repealed.*

37    ~~7782. A certificate of election shall be issued to each elected~~  
38    ~~member of central committees by the officers charged with that~~  
39    ~~duty of issuing certificates of election to members of county central~~  
40    ~~committees under Section 8145.~~

1     *SEC. 17. Section 7837 of the Elections Code is repealed.*

2     ~~7837. The Secretary of State, within 10 days after the~~  
3 ~~convention meeting of the state central committee, shall ascertain~~  
4 ~~who is the newly elected chairperson of the state central committee~~  
5 ~~and shall mail a certificate to that effect, including the chairperson's~~  
6 ~~address and telephone number, to the elections official of each~~  
7 ~~county.~~

8     *SEC. 18. Section 8145 of the Elections Code is amended to*  
9 *read:*

10     8145. It is the duty of the officers charged with the canvass of  
11 the returns of any primary election in any county or city to ~~issue:~~

12     ~~(a) Certificates of election to each member elected to a county~~  
13 ~~central committee.~~

14     ~~(b) Certificates~~ *issue certificates* of nomination to candidates  
15 nominated for nonpartisan offices voted for wholly within one  
16 county.

17     *SEC. 19. Section 15401 of the Elections Code is amended to*  
18 *read:*

19     15401. The elections official shall make out and deliver to each  
20 person elected or nominated, as declared by the governing body,  
21 *except those elected to a central committee*, a certificate of election  
22 or nomination, signed and authenticated by the elections official.

23     *SEC. 20. This act is an urgency statute necessary for the*  
24 *immediate preservation of the public peace, health, or safety within*  
25 *the meaning of Article IV of the Constitution and shall go into*  
26 *immediate effect. The facts constituting the necessity are:*

27     *In order to provide for the effective and efficient conduct of the*  
28 *June 5, 2012, statewide primary election, it is necessary that this*  
29 *act take effect immediately.*

30     ~~SECTION 1. Section 13383.1 is added to the Water Code, to~~  
31 ~~read:~~

32     ~~13383.1. (a) (1) A local public agency operating a combined~~  
33 ~~sewer and stormwater system shall implement a notification plan~~  
34 ~~to inform the public in the event of a discharge from the system~~  
35 ~~that occurs on or near a recreational beach.~~

36     ~~(2) The notification plan shall include both of the following:~~

37     ~~(A) A communication mechanism to alert persons using all~~  
38 ~~receiving waters affected by sewer discharges.~~

~~(B) A testing system to determine the nature and duration of conditions resulting from sewer discharges that are potentially harmful to users of receiving waters.~~

~~(b) Upon a discharge from a combined sewer and stormwater system on or near a recreational beach, the public agency operating the system shall post notice at the beach in the vicinity of the discharge and shall conduct shoreline monitoring for bacteria at monitoring locations in the vicinity of the discharge, in accordance with a schedule determined by the appropriate regional board. Shoreline monitoring during and after the discharge and the posting of notice shall continue until bacteria concentrations in the receiving waters at the monitoring locations fall below maximum limits established by the appropriate regional board.~~

~~(c) A local public agency operating a combined sewer and stormwater system shall make reasonable efforts to enter into an agreement with a nongovernmental organization for regular sampling of receiving waters affected by discharges from the combined sewer and stormwater system.~~

~~SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~